

## AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

### Notice of Intended Action

#### **Proposing rule making related to cooperative interstate shipment program and providing an opportunity for public comment**

The Agriculture and Land Stewardship Department hereby proposes to amend Chapter 76, “Meat and Poultry Inspection,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 189A.13.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 189A.

#### *Purpose and Summary*

The purpose of this proposed rule making is to accomplish the following:

- By the adoption of 9 CFR Part 332 by reference, allow the Department to participate in the United States Department of Agriculture’s (USDA) Food Safety and Inspection Service (FSIS) Cooperative Interstate Shipment (CIS) Program.
- Provide opportunity for state-inspected meat and poultry establishments to develop new markets for their products. Under the CIS Program, state-inspected plants continue to operate under state inspection but adhere to federal food safety standards. As a result, they can also distribute their products in interstate commerce.

The CIS Program is available to states that have established a meat and poultry inspection program that is “at least equal to” FSIS’s regulatory requirements. There are 27 states, including Iowa, that have met this standard.

#### *Fiscal Impact*

Anticipated costs are one-time expenditures that include staff training and laboratory equipment purchases to meet federal standards. Federal grant funds are being utilized for equipment expenditures.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 21—Chapter 8.

#### *Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on October 30, 2019. Comments should be directed to:

Maison Bleam  
Iowa Department of Agriculture and Land Stewardship  
Wallace State Office Building  
502 East 9th Street  
Des Moines, Iowa 50319  
Email: [maison.bleam@iowaagriculture.gov](mailto:maison.bleam@iowaagriculture.gov)

*Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows:

October 30, 2019  
10 to 11 a.m.

Second Floor Conference Room  
Wallace State Office Building  
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 21—76.2(189A) as follows:

**21—76.2(189A) Federal Wholesome Meat Act regulations adopted.** Part 303, Part 304, Part 305, Part 306, Parts 308 through 320, Part 329, Part 332, Part 412, Part 416, Part 417, Part 418, Part 424, Part 430, Part 431, Part 441 and Part 442 of Title 9, Chapter III, of the Code of Federal Regulations, revised as of July 30, 2018, are hereby adopted in their entirety by reference. Part 307 except Sections 307.5 and 307.6 and Part 325 except Sections 325.3 and 325.12 of Title 9, Chapter III, of the Code of Federal Regulations, revised as of July 30, 2018, are hereby adopted in their entirety by reference. Part 500 of Title 9, Chapter III, of the Code of Federal Regulations, revised as of January 1, 2016, is adopted by reference, except that references in Sections 500.5, 500.6, 500.7, and 500.8 to the federal Uniform Rules of Practice are not adopted.

This rule is intended to implement Iowa Code sections 189A.3 and 189A.7(8).

ITEM 2. Rescind rule 21—76.6(189A) and adopt the following **new** rule in lieu thereof:

**21—76.6(189A) Forms and marks.** Whenever an official form is designated by federal regulation, the appropriate Iowa form will be substituted and whenever an official mark is designated, the following official Iowa marks will be substituted:

1. Iowa inspected and condemned brand:

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CONDEMNED

2. Iowa product label mark of inspection and carcass brand for amenable species:



3. Exotic carcass brand:



4. Exotic product label mark of inspection:



5. Notwithstanding any other provision of this rule, a red meat establishment that is a selected establishment under 9 CFR Part 332 shall use the official marks, devices, and certificates in 9 CFR Part 312 for products that are intended for interstate commerce with the modifications described in 9 CFR Sec. 332.5(c).

- a. Cooperative Interstate Shipment program product label mark of inspection:



b. Cooperative Interstate Shipment program carcass brand. Sizing of brands shall be as described in 9 CFR Sec. 312.2(a), except that the 1¼" brand shall be utilized in lieu of the ¾" brand:



6. Notwithstanding any other provision of this rule, a poultry establishment that is a selected establishment under 9 CFR Part 381, Subpart Z, shall use the official marks, devices, and certificates in 9 CFR Part 381, Subpart M, for products that are intended for interstate commerce with the modifications described in 9 CFR Sec. 381.515(c). Cooperative Interstate Shipment program poultry product label mark of inspection:



This rule is intended to implement Iowa Code section 189A.5(2).